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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

12 MAR 1993

mm 92-265

IN REPLY REFER TO:

8310-MEA
CN9300855

Honorable Mitch McConnell
United States Senate
120 Russell Senate Office Building
Washington, DC 20510

RECEIVED

MAR 17 1993

Dear Senator McConnell:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Thank you for your letter on behalf of Mr. Bob Kincer, General Manager of Fox Creek Rural Electric Cooperative Corporation, regarding implementation of the programming access regulations in the Cable Television Consumer Protection and Competition Act of 1992.

The 1992 Cable Act prohibits unfair or discriminatory practices in the sale of programming in order to foster the development of competition to cable systems by increasing access to programming by other multichannel video programming distributors. In the 1992 Cable Act, Congress instructed the Commission to adopt implementing regulations pertaining to program access. In accordance with the statute, the Commission invited comment on provisions that will govern access to multichannel video programming (Notice of Proposed Rulemaking in MM Docket No. 92-265, released December 24, 1992). In particular, we sought comment on proposed regulations to prohibit: (1) undue influence by cable operators upon actions by affiliated program vendors, (2) price discrimination by vertically integrated satellite cable programming vendors and satellite broadcast programming vendors, and (3) certain exclusive contracting practices that the Commission finds not to be in the public interest. We also recognized testimony in the legislative history of the 1992 Cable Act that caused Congress to conclude that vertically integrated program suppliers have the incentive and ability to favor their affiliated cable operators over other multichannel programming distributors. In addition, we also indicated that the Commission previously found anecdotal evidence that some vertically integrated programming suppliers and cable operators may have indeed used anticompetitive actions against other programming services and competing multichannel providers.

Please note that Mr. Kincer's comments will be placed in the official record of MM Docket 92-265, so that they will receive full consideration prior to any action the Commission takes to implement the provisions of the 1992 Cable Act.

Sincerely,

Roy J. Stewart

Roy J. Stewart
Chief, Mass Media Bureau

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Congressional

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/25/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300855	02/25/93	02/17/93	03/17/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Mitch McConnell	BC

CONSTITUENT'S NAME	SUBJECT
Bob Kincer	inq. re: rate regulation & 92 Cable Act

REF TO	REF TO	REF TO	REF TO
MMB	Erf	C+I	mmB
DATE	DATE	DATE	DATE
02/25/93	2-25-93	2-25	

REMARKS:

Doc. 92-265

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MASS MEDIA BUREAU

MITCH McCONNELL
KENTUCKY

United States Senate
WASHINGTON, DC 20510-1702

COMMITTEES
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ETHICS
RULES

*NMB
CATV - notes
855*

February 17, 1993

Mr. Alfred Sikes
Chairman
Federal Communications Commission
1919 M Street
Washington, DC 20554


Dear Mr. Sikes:

Mr. Bob Kincer, General Manager of Fox Creek Rural Electric Cooperative Corporation, recently shared with me his concerns on the Federal Communications Commission's (FCC) December 24, 1992 Notice of Proposed Rule Making pertaining to Section 19 of the 1992 Cable Act.

Mr. Kincer is concerned with the FCC's interpretation of the 1992 Cable Act's provisions on price discrimination in the multichannel video programming market. I would greatly appreciate your review of his concerns. For your convenience, I have enclosed a copy of Mr. Kincer's correspondence.

Thank you very much for your consideration.

Sincerely,


MITCH McCONNELL
UNITED STATES SENATOR

MM/rjb

Enclosure



FOX CREEK RURAL ELECTRIC
COOPERATIVE CORPORATION
P.O. BOX 150 · 1200 VERSAILLES ROAD
LAWRENCEBURG, KY 40342 · 502/839-3442

February 2, 1993

THE HONORABLE MITCH MC CONNELL
UNITED STATES SENATE
WASHINGTON DC 20510/20515

I am writing you to express my concern about the Notice of Proposed Rule Making that was released on December 24, specifically as it pertains to the Section 19 programming access provisions of the recently-passed cable bill.

I am the General Manager of the Fox Creek Rural Electric Cooperative, a consumer owned, not for profit rural utility that provides electric service to some 8,600 consumers located in eight counties in central Kentucky. In our part of Kentucky there are many consumers for whom cable service is unavailable due to their remoteness. The only way these consumers can receive television is by using a home satellite dish. Until now, these home satellite dish owners have been paying discriminatorily high rates for much of the programming they receive over their dish. The cost for this programming to home satellite dish subscribers is

This is why we are concerned by the tone of the FCC's NPRM on the subject. The FCC seems to have had some difficulty understanding Congress' intentions regarding